

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAS) NO. 712/2021 IN
SECOND APPEAL STAMP NO. 8911/2021

Haridas S/o Jagannathji Chandak (dead) through LRs Smt. Shantidevi wd/o Haridas
Chandak and others

Vs.

Gajanan Dayaramji Saoji and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri U.A. Gosavi, Advocate for appellants/applicants

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 02/08/2022

Heard the learned Counsel for the applicant. In spite of service of notice of the application, respondent Nos. 1 and 2 remained absent.

2. Permission is granted to applicant to annex the documents as mentioned in the application which are extract of Counsel's diary of cases.

3. It appears that by inadvertent mistake of the advocate, the matter was not noted. Hence, it could not be revealed that matter was proceeded *ex parte*.

4. For the reasons stated in paragraph No. 5, I am satisfied that there is no intentional or deliberate delay.

Moreover, for the mistake of an Advocate there cannot be any adverse order against the party in the proceeding. As such I am inclined to allow the application and pass the following order:

ORDER

- i) Application is allowed.
- ii) Delay in filing Second Appeal is hereby condoned.
- iii) Registry is directed to register the Second Appeal.

(SMT. M.S. JAWALKAR, J.)

Jayashree..